

Raymond J. Tittmann, No. 191298  
**CARROLL, BURDICK & McDONOUGH LLP**  
Attorneys at Law  
44 Montgomery Street, Suite 400  
San Francisco, CA 94104  
Telephone: 415.989.5900  
Facsimile: 415.989.0932  
Email: rtittmann@cbmlaw.com

Attorneys for Defendant and Third Party Plaintiff  
**AMERICAN SECURITY INSURANCE COMPANY**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND, CALIFORNIA

**JAMES SUTTON AND LYNETTE  
SUTTON,**

Plaintiff,

v.

**AMERICAN SECURITY  
INSURANCE COMPANY, a  
Delaware Corporation, and DOES 1  
THROUGH 10,**

Defendant.

No. 4:10-CV-05624 PJH

The Honorable Phyllis J. Hamilton

**[PROPOSED] ORDER TO SHOW CAUSE  
RE SANCTIONS AGAINST HARTFORD  
FIRE INSURANCE COMPANY AND ITS  
COUNSEL OF RECORD**

**AMERICAN SECURITY  
INSURANCE COMPANY,**

Third Party Plaintiff,

v.

**HARTFORD FIRE INSURANCE  
COMPANY,**

Third Party Defendant.

On September 27, 2011, the Court issued an order setting a case management conference for December 1, 2011 (Docket #30). Notice was electronically mailed to both counsel of record for Hartford Fire Insurance Company ("Hartford"):

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CBM-IPG\SF533931

**[PROPOSED] ORDER TO SHOW CAUSE RE SANCTIONS AGAINST HARTFORD**

- 1 • Gary R. Gleason ([ggleason@micleangleason.com](mailto:ggleason@micleangleason.com) and
- 2 [gvieyra@micleangleason.com](mailto:gvieyra@micleangleason.com))
- 3 • William T Treas ([jllooday@nielsenlawfirm.com](mailto:jllooday@nielsenlawfirm.com) and
- 4 [sdufrene@nielsenlawfirm.com](mailto:sdufrene@nielsenlawfirm.com))

5 Counsel for Hartford did not file a case management conference statement and  
6 provided no indication that they would not or could not attend. Notwithstanding counsel  
7 for Hartford failed appear or provide any explanation for their non-appearance.

8 Counsel for American Security advised at the case management conference  
9 that Hartford verbally agreed to a mutual release and dismissal of American Security's  
10 third party complaint. Consequently, this Court ordered the parties to file the dismissal on  
11 December 2, 2011 (Docket #33).

12 However, the parties did not file the dismissal in compliance with this Court's  
13 Order. American Security's Notice of Settlement (Docket #34) advises that Hartford  
14 failed to sign the release and dismissal drafted by American Security, and did not  
15 otherwise respond to the proposed document.

16 Consequently, it appears that Hartford has failed to comply with two orders of  
17 this Court: (1) Docket # 30 setting a case management conference for December 1, 2011;  
18 and (2) Docket #33 requiring the parties to file the mutual release and dismissal by  
19 December 2, 2011.

20 The Court therefore issues this Order To Show Cause why sanctions should not  
21 be issued against Hartford and its counsel of record for failure to comply with these  
22 Orders. The hearing on this Order To Show Cause is set for 12/15/2011 at 2:00pm, and  
23 Hartford and its counsel of record shall file a statement addressing their non-compliance  
24 by December 12, 2011.

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26 ///

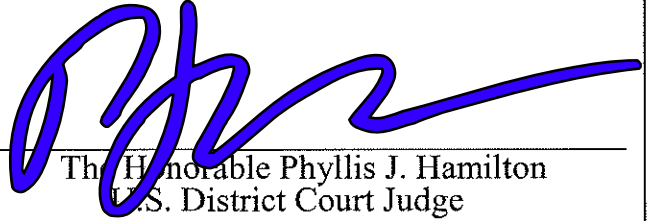
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1 If the parties file a full mutual release and dismissal completely resolving of  
2 this matter before these dates, Hartford and its counsel are relieved of the obligation to file  
3 a statement or appear for the hearing, and these dates will be taken off calendar.

4 Dated: December 5, 2011

5  
6 By



The Honorable Phyllis J. Hamilton  
U.S. District Court Judge